



July 30, 2019

Austin Evers
Executive Director
American Oversight
1030 13th Street, NW
Suite NB255
Washington, DC 20005
C/O Email: foia@americanoversight.org

Re: NIGC-FOIA-078

Dear Mr. Evers:

This is in response to your Freedom of Information Act (FOIA) 5 U.S.C. § 552, request to the National Indian Gaming Commission (NIGC) received in the NIGC FOIA office on July 29, 2019. In your letter you stated that you are seeking, on behalf of American Oversight:

All communications (including email messages, email attachments, calendar invitations, memoranda or background material for meeting, or handwritten or typed notes taken during meetings) between (a) any of the NIGC custodians listed below and (b) any employee or representative of Cove Strategies (@covestrategies.com), including, but not limited to, Matthew A. Schlapp (mschlapp@covestrategies.com), or any employee or representative of Black Diamond Strategies (@blackdiamondstrategies.us).

1. Chairman Jonodev Osceola Chaudhuri
2. Vice Chair Kathryn Isom-Clause
3. Former Associate Commissioner E. Sequoyah Simermeyer (Coharie)

Fee Waiver Considered

You have requested a fee waiver for your request. In order to determine whether the fee waiver requirement is met, the FOIA Officer shall consider the following six factors:

- (1) The subject of the request. Whether the subject of the requested records concerns the operations or activities of the government;
- (2) The informative value of the information to be disclosed. Whether the disclosure is likely to contribute to an understanding of government operations or activities;
- (3) The contribution to an understanding of the subject by the general public likely to result from disclosure. Whether disclosure of the requested information will contribute to public understanding;
- (4) The significance of the contribution to public understanding. Whether the disclosure is likely to contribute significantly to public understanding of government operations or activities;
- (5) The existence and magnitude of commercial interest. Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so
- (6) The primary interest in disclosure. Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

The following is my consideration of these six factors:

- (1) The subject of your request is communications by lobbyists.
- (2)-(4) The information to be disclosed is likely to contribute to an understanding of government operations or activities.
- (5)-(6) This request is made on behalf of a non-profit entity that disseminates the information to the public. Disclosure is primarily in the public interests.

Based on the above analysis, I am granting your request for a fee waiver.

Search Results

The NIGC FOIA Office has completed a search of its recordkeeping systems and has not found any records responsive to your request.

Fees

As noted above, a fee waiver has been granted for this request.

Closure of Request

As this completes the processing of your request, the NIGC now considers your request closed. Pursuant to 25 C.F.R. § 517.8, you may challenge the NIGC FOIA Office's determination by submitting a written appeal to the National Indian Gaming Commission, 1849 C Street N.W., Mail Stop #1621, Washington, D.C., 20240 no later than ninety (90) days after the date of this

letter. *See* 5 U.S.C. § 552 (a)(6)(A)(i)(III)(aa). Both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” The written submission should include copies of the original request, the denial, and a brief statement of the reasons you believe the denial to have been in error.

Please be advised that you have the right to seek dispute resolution services from the NIGC’s FOIA Public Liaison or the Office of Government Information Services (OGIS). If you wish to contact the NIGC’s FOIA Public Liaison, please contact Jo-Ann Shyloski at (202) 632-7003 or by way of e-mail at Jo-Ann_Shyloski@nigc.gov. If you would prefer to contact OGIS, you may do so in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (202) 632-7054.

Sincerely,



Tim Osumi
Chief FOIA Officer